

U.S. District Court

1. Western District of North Carolina

Notice of Electronic Filing

The following transaction was entered on 10/19/2012 at 14:51 PM EDT and filed on 10/19/2012

Case Name: USA v. Soto

Case Number: 3:08-cr-00183-FDW

Filer:

Document Number: No document attached

Docket Text:

TEXT-ONLY ORDER granting [28] Motion to Vacate (2255) as to Eddy Guillermo Soto (1) *Text of Order: UPON MOTION OF THE PETITIONER, Eddy Guillermo Soto (Doc. No. 1), for an order vacating his conviction in Case No. 3:08-cr-183, Doc. No. 20, and without opposition from the United States of America, the conviction of the Petitioner is hereby VACATED. Because the United States waived the one-year statute of limitations on Section 2255 motions, Petitioner is entitled to relief under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc).*

THEREFORE, Petitioner's Motion to Vacate is GRANTED. AND THEREFORE, because Petitioner's conviction is VACATED, his sentence is also VACATED, and he is ORDERED released from custody of the United States Bureau of Prisons and/or the United States Marshals Service. FURTHER, Petitioner's supervised release is TERMINATED and the ORDER FOR ARREST issued October 10, 2012, 3:08-cr-183, Doc. No. 34 is hereby STRICKEN and RECALLED. In the event Petitioner has been arrested, based solely on this Order for Arrest, IT IS FURTHER ORDERED that Petitioner be immediately released from custody. The Clerk of Court is directed to certify copies of this Order to the United States Bureau of Prisons, the United States Probation Office, and the United States Marshals Service. IT IS SO ORDERED. (FDW)

Civil Case 3:12-cv-00546-FDW closed.

3:08-cr-00183-FDW-1 Notice has been electronically mailed to:

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